IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 2ND MAY 2007 / 12TH VAISAKHA 1929

Bail Appl..No. 2538 of 2007

CMP.870/2007 of J.F.C.M-II,HOSDRUG ,
CR. NO. 23/07 OF HOSDURG EXCISE RANGE.

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PETITIONER/ACCUSED:

SUBAIDA, W/O. MOIDEEN,
PALLIKKARE MADAM, PALLIKKARE VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.M.RAMESH CHANDER.

RESPONDENTS/COMPLAINANT & STATE:

1. **STATE OF KERALA,**
   REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **EXCISE INSPECTOR, HOSDURG RANGE.**

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/05/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2538 OF 2007

Dated this the 2nd day of May, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, a lady, who is the accused in C.R. No.23/07 of Hosdurg Excise Range for an offence punishable under Sec.55(a) of the Abkari Act, for having been found in possession of 5 liters of illicit arrack on 11.4.07, seeks her enlargement on bail. The petitioner was arrested on 13.4.07.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that she has been falsely implicated in the case. Moreover, I am not satisfied that both the grounds enumerated under Sec. 41A(b)(ii) of the Abkari Act are present in this case so as to justify her release on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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